

PARKS AND CULTURAL AFFAIRS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

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A regular meeting of the Parks and Cultural Affairs of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **June 16, 2004**.

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MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairperson

Legislator Michael Caracciolo • Vice•Chair

Legislator Cameron Alden

Legislator Angie Carpenter

Legislator Vilorio•Fisher

Legislator Ricardo Montano

Legislator Jon Cooper

MEMBER NOT PRESENT:

Legislator O'Leary

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Ronald Foley • Chief Deputy Commissioner of Parks

Roger Podd • County Executive's Office

Sean Clancy • Budget Review Office

Charlie Bender • Aide to P.O. Caracappa

Tom Isles • Director of Planning

Lauretta Fischer • Planning Department

Steve Jones • Suffolk County Water Authority

All other interested parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 11:35 A.M.*)

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call the meeting to order of the Parks and Cultural Affairs Committee this 16th day of June, 2004. If you all will rise and join us for the Pledge of Allegiance led by Legislator Caracciolo.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Do we have any cards, speaker cards? No, we don't. Okay. We have no public hearings either. At this point though, I would recognize any of the Commissioners •• I saw Commission Foley was in the room, I don't see him at the moment. Would you like to address us on any of the resolutions or other issues?

COMMISSIONER FOLEY:

Nothing specific.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. The Planning Commissioner was here earlier. I don't see him either. Would you like to the address the committee? Before Lauretta speaks, for the record, Legislator O'Leary has an excused absence from this meeting.

MS. FISCHER:

In December of 1999, the County was sent a letter from the US General Services Administration declaring this property surplus. It's a 6.17 acre lot south of County Road 111 in Manorville. It's located in an area that the County also has other holdings in adjacent to it. And we would like

to request that the County acquire the property for no cost from the Federal Government. We had the Department of Health Services look at the property. There are two structures on the property at the moment.

One cement block building and another cement •• smaller cement block building, a platform where a radar tower was placed. The tower at this moment is not there anymore. However, the buildings have been secured. They have put cement blocks in the windows. The Health Department did look at the site preliminarily did not see any environmental conditions that would preclude us from acquiring the property. We were assured and it will be part of the agreement with the Federal Government that if any environmental problems exist on the property, they will come in and remove it. We are asking that we move ahead with the application and the acquisition of this property at this time. It was approved this morning by CEQ.

LEG. CARACCILO:

That was my question.

CHAIRMAN SCHNEIDERMAN:

Other questions for Ms. Fischer? Which resolution is this? Oh, I see, 1636. Okay. Thank you. Steve, would you like too address the Legislature?

MR. JONES:

Just if there are any questions.

CHAIRMAN SCHNEIDERMAN:

Mr. Jones, which resolution •• you are here on 1575, correct?

MR. JONES:

Yes.

CHAIRMAN SCHNEIDERMAN:

To modify the grant of an easement to Suffolk County Water Authority. Would you like to explain it at all or?

MR. JONES:

Good morning. My name is Steve Jones, CEO of Suffolk County Water Authority. This is IR 1575. The Water Authority currently has an easement of 8.1 acres on the south side of Red Dirt Road in Amagansett. We want to transfer the easement area over to another portion of the same property, so this is to amend the legal description of the easement area. The County Parks Department wants us over on Accabonac Road, the Trails Preservation Society and the Town of East Hampton and everybody else. So far be it from us to oppose where everybody wants us. We're over there, we met with the neighbor, we've talked about it, we've agreed to everything that the Town of East Hampton wants in the way of architectural and lighting control, site plan improvements and everything else. So this is pretty much a housekeeping sort of thing.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any questions for Mr. Jones? Okay. Legislator Carpenter.

LEG. CARPENTER:

I don't have a question, but I'm going to use this opportunity to thank you and your representatives. There have been so many issues of late over at •• over on Fire Island, and the Water Authority has sent representatives to their Law Enforcement Council meetings and really been meeting with the members of the community. And it's something that wasn't always done before, and it's been received really well. So I just want to thank you for that sensitivity to the community. Thank you.

MR. JONES:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I see our Planning Director Thomas Isles is here. Did you want to address the committee?

DIRECTOR ISLES:

Thank you, Mr. Schneiderman. Yes, I did want to address the committee on one item that's on your agenda today, which is a tabled resolution identified as Resolution 1524. This is a resolution sponsored by the County Executive. And it was tabled at the last meeting at the request of the County Executive's Office. This is a resolution to transfer certain surplus County

tax parcels to the Parks Department. It's something that's done commonly with the Planning Department and the Parks Department. What we'll do is we'll review the list of parcels that are vacant that are received from the County Treasurer's Office. And those that are deemed to be appropriate for park purchases, such as in the Pine Barrens and so forth, we then suggest to the Legislature and the County Executive that they be put into Parks category. So this is something we've done quite often.

The reason we had requested a tabling last week and we would like to address this week is that one of the parcels we've identified, it's actually the last parcel on your list, is a parcel located in the Town of Southold of about eight acres. And it's a parcel that we do think should be preserved. However, we have been in discussions and have received a request from the Supervisor of the Town of Southold wherein he would like to have the County consider the option of removing the development rights from that property prior to putting it into a Parks category. And so this is something that actually has been talked about on a number of different levels, including the Smart Growth Committee, including the County Executive's Work Force Housing Commission. So at this point what we'd like to suggest, what we would be doing with the County Exec's Office is submitting a revised list that would delete that parcel. And what we would specifically request of you today is to discharge this resolution without recommendation.

And I believe the County Executive will be putting forth a Certificate of Necessity next Tuesday for your consideration for the balance of the list. What we will then do is work with the town and the appropriate County agencies, the County Attorney for example, over the summer months to actually put pieces together on this. And actually I'd like to see it done as a parcel whereby the credits are removed and the County then still retains ownership. There is also the option then that it could be a 72•H to the town. Those things would have to be worked out. But fundamentally, the County smart growth plan, other efforts for work force housing have suggested this idea and this would be the first test case to actually make one happen.

CHAIRMAN SCHNEIDERMAN:

Mr. Isles, is there anything in the resolution that would •• even if passed as is that would prevent you from transferring those development rights administratively in the transfer process?

DIRECTOR ISLES:

Well, I'm not certain. I think the concern would be is that if it were to actually get to the point

of being transferred to the Park's jurisdiction that then the release of the development rights may be considered an alienation issue at that point, may be in conflict with New York State Constitutional Law and so forth. So it's uncertain. So I think the feeling now is let's put it aside, do the proper homework to determine how this should occur properly, legally and so forth.

CHAIRMAN SCHNEIDERMAN:

Might the development rights on some of these other properties be banked affordable housing purposes?

DIRECTOR ISLES:

It's a possibility. The only point I will say, however, is that a number of the parcels that are in here are within the Pine Barrens Core. The Pine Barrens Management Plan prohibits that. So many of those parcels including this one big one is here about 20 acres could not be used for that purpose. But I think what we want to do, the •• we receive parcels all the time through tax default. Some we sell, some we keep. So you will be receiving additional resolutions. We usually do a couple of these a year. I think we want to kind of get the structure together administratively, legally on how to do this. And then, you know, certainly future parcels that comply with the requirements that are not in the Pine Barrens Core could be eligible as well.

CHAIRMAN SCHNEIDERMAN:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Good morning, Tom.

DIRECTOR ISLES:

Good morning.

LEG. VILORIA•FISHER:

Could you help me a little bit with understanding the chart. Some of the items, for example, all of the Warbler Woods parcels, they're within the Pine Barrens Core, so it indicates core right next to the name.

DIRECTOR ISLES:

Exactly.

LEG. VILORIA • FISHER:

But as I move along I see _Pacifcan Ocean_ County Nature Preserve. Now I •• it's always been my understanding that we have to dedicate parcels to the Nature Preserve, but is this perhaps another type of Nature Preserve? I'm confused as to what this means.

DIRECTOR ISLES:

I'm going to get the chart in front of me in just a moment. My understanding is that these would be adjacent to existing Nature Preserve classifications. Certainly at the present time they do not have that classification. But what we have tried to do is provide some sort of reference as to why this should be preserved why should it not be sold.

LEG. VILORIA • FISHER:

So it's a reference point for us that it's adjacent to a Nature Preserve or that you suggest that we dedicate it to a Nature Preserve?

DIRECTOR ISLES:

It would be adjacent to a Nature Preserve, it would be within the core, whatever the destination is, therefore, the reason why it should be preserved rather than developed.

LEG. VILORIA • FISHER:

Now, where it says parcel 77, does that mean it's adjacent to Southaven County Park?

MS. FISCHER:

Yes.

DIRECTOR ISLES:

Yes, that's directly adjacent.

LEG. VILORIA • FISHER:

Okay. That way I'll know how to read this.

DIRECTOR ISLES:

West side of the park, I believe.

LEG. VILORIA • FISHER:

Okay. Thank you very much. Did you have something, Laretta?

MS. FISCHER:

If we indicated park name, generally it's adjacent to it, and we want to include it into that park holding. That's how I organized them basically. And the same with the Nature Preserves, they're adjacent parcels to that Nature Preserve that we've already identified. We want to add them to our holding and increase our holdings for that park.

LEG. VILORIA • FISHER:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Mr. Isles, do we have a map of this property?

DIRECTOR ISLES:

I don't have one here with me today. It is something we can provide to you if you'd like.

LEG. CARACCIOLO:

How many acres?

DIRECTOR ISLES:

It's 8.2 acres.

LEG. CARACCIOLO:

And the parcel you want to remove is how big?

DIRECTOR ISLES:

I misunderstood your question. The parcel we are seeking to remove from the list would be 8.2 acres. The total acreage of all the parcels is about 129 acres.

LEG. CARACCILOLO:

Can you give us a physical description of where it's located?

DIRECTOR ISLES:

This is Arshamomaque Pond within the Town of Southold.

MS. FISCHER:

It's adjacent to the Arshamomaque properties that we acquired with the Town of Southold. They are just north of this property. This is on the south road that goes through and into Greenport.

LEG. CARACCILOLO:

Okay.

MS. FISCHER:

It includes quite a lot of wetland. And adjacent to it is also a LIPA property.

LEG. CARACCILOLO:

Okay. I know where it is. The agreement with the town or the request by the Town of Southold, is that in writing?

DIRECTOR ISLES:

Yes. I believe it is, yes.

LEG. CARACCILOLO:

And have they indicated in that correspondence that they wish to set aside this eight acre parcel for affordable housing?

DIRECTOR ISLES:

Yes.

LEG. CARACCILO:

I'd like a copy of that letter, please.

DIRECTOR ISLES:

Sure.

LEG. CARACCILO:

So your request today is to just discharge without recommendation so we can delete the reference to the eight plus acre parcel?

MR. ISLES:

Yes.

LEG. CARACCILO:

Because these go into the Nature Preserve •• no, they do not?

DIRECTOR ISLES:

They go into County Parks at this point generically. You can then further put them into Nature Preserve if you choose.

LEG. CARACCILO:

Okay. And the category, it would be transferred into our County Park system. What would be the destination? What could that parkland be used for?

DIRECTOR ISLES:

As a general park, it can be used for any park purpose. Certainly, you know, it would depend on the parcel. Certainly parcels that are environmentally sensitive, we wouldn't suggest that they be developed. It would have to fit into an overall plan for that particular part.

LEG. CARACCILO:

We could include a Greenways component.

DIRECTOR ISLES:

Meaning what?

LEG. CARACCILO:

Well, some type of active recreational use.

DIRECTOR ISLES:

I'm not sure if any of these parcels really fit that bill. Most of these are looked at in terms of conservation, but technically, if they did meet the standards for that, yes they could. Under a general park purpose, you can build soccer fields, parks.

LEG. CARACCILO:

Why the, not reluctance, but was consideration given to putting into a Nature Preserve category?

DIRECTOR ISLES:

Generally speaking, the transfers that we do from general municipal surplus tax parcels goes into Parks category. We feel that that provides sufficient protection in terms of the County then protecting the property. It's no longer taxed then at that point too, so we cut the bleeding to the County in that sense. And then here again, if the County then chooses with a particular location, yes, we want to put this into the Nature Preserve, that option is always there. But this is more the first step in terms of getting it off the tax rolls, putting it into protected status, and then as individual park facilities may be planned, management plans may be put together for them, certainly that can happen. But it's an automatic thing. I don't think we'd want to presume that everything that's a taxed surplus property is going to automatically be a nature preserve.

LEG. CARACCILO:

Is there a sense of why we would not put it in the preserve status? That's what I'm saying. What is the distinction there that would cause you or Parks to have some concern.

DIRECTOR ISLES:

I think it would depend on the use of the property. Once you put it in the Nature Preserve, unless you specify the use within that resolution, you are pretty much highly limited in terms of what can be done with it. My point with that •• so let's say for example there's a 20 acre parcel that's put into Nature Preserve, and then an idea comes along later on that said, you know, what, it would be good if we had a little gravel parking lot and a little area to walk through this property. You're then dealing with the Nature Preserve. You would then have to back up and

you as the Legislature would then have to put together a plan and approve that plan. So I think it kind of puts the cart before the horse. We love the Nature Preserve. I think it's just a management plan work should be done first in terms of saying what is the use of this property and actually put it in the resolution and specify it so that when the Parks Department implements this in the Capital Program, whatever, it's consistent with the Nature Preserve categories. They then don't have to backtrack and redo it again.

LEG. CARACCILO:

Could this property in that category be used for an ATV park?

DIRECTOR ISLES:

The Southold parcel?

LEG. CARACCILO:

Um•hum.

DIRECTOR ISLES:

No.

LEG. CARACCILO:

No. I want that on the record, because I don't want anybody getting ideas six months or a year from now that this could be potential site location.

DIRECTOR ISLES:

It would be highly ill•advised to do that.

LEG. CARACCILO:

Aside from being ill•advised, what would prevent someone from pursuing that course of use?

DIRECTOR ISLES:

The property does have wetlands on it, including some of which are New York State regulated wetlands. So, you know, at the very least that level would have to be addressed before any kind of ATV use is done.

LEG. CARACCILO:

What percentage is in the wetlands category versus ••

DIRECTOR ISLES:

It's a high percentage. I don't know the exact amount, 75 to 80%, somewhere in that range.

LEG. CARACCILO:

So you're basically talking about 75 or more acres that could not be utilized for that type of use.

DIRECTOR ISLES:

Seventy five or 80%, plus the other factor too is the County, of course, is required to comply with SEQRA, State Environmental Quality Review Act. If we were to do something let's say on the Southold piece, it's adjacent to other land that we own, the County owns, public parkland, the threshold for a Type I Action is then 2.5 acres. So pretty much anything we did there would be considered a Type I Action which would require a thorough examination of all the impacts and so forth.

LEG. CARACCILO:

So in your opinion, our answer then is it could not be used for an ATV park?

DIRECTOR ISLES:

Based on the presence •• the significant presence of wetlands, it could not be used as an ATV park.

LEG. CARACCILO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Can I ask a question not related specifically to this, but to the idea of putting properties into parkland status and whether that sometimes may happen erroneously and what is the mechanism if a property is put into that status that shouldn't be, in particular, I was recently in the Village of Westhampton Dunes, which is quite a developed area along the beach there in the vicinity of a County park, we have Cupsogue Park there, which is a very popular park. But there's a line of houses, and I was there with the Mayor, and there was a couple spots where there was just a very narrow lot between these rows of houses, and he pointed out to me that that's County parkland. And, you know, I was very curious about. He said that he wishes it

wasn't County parkland, because not only would the selling of those lots bring in significant revenues for the County, but in his perspective, it would help the local school district if there was a house. But there was no •• he couldn't see any legitimate County use for those properties. You know, I would tend to agree because they are very narrow and in•between houses. But if they were put in Parks erroneously, what would that mechanism •• how would that work?

DIRECTOR ISLES:

I can't speak for the County Attorney. My understanding is that a discontinuance or alienation of parkland requires an approval from the New York State Legislature to authorize the locality then to here again, alienate parkland. New York State requires as part of that that if a municipality is given the authority to sell a park or discontinue a park, the proceeds •• there must be replacement park either in land or in value somewhere put back in the municipality. So let's say if you, the Legislature, authorized a home rule message to the New York State Legislature to discontinue a parcel of land in Westhampton Dunes that's currently classified as park, if the State Legislature approved that, you would then be authorized let's say to sell that land if that's what you wanted to do. The value for what you sold that for would then have to go into buying other land somewhere to replace that parkland that's lost or go into funds or capital improvements to upgrade existing County parks.

CHAIRMAN SCHNEIDERMAN:

So if you could auction these lots off for a million dollars each and you had a few million dollars, it would stay within the Parks Department for use basically.

DIRECTOR ISLES:

Well, the monies •• you would take the money and buy more parkland or you would have to take the money and improve existing parkland is what you'd have to do. So that's my understanding in terms of the process. In terms of the parcels in question, you know, not having the specific parcels in front of me, but my understanding would be that probably two purposes for why are they in County parkland, one would be probably access to the ocean, to the beach over there, where the County has done a significant investment in that beach and continues to do so.

CHAIRMAN SCHNEIDERMAN:

It's still not being used for access, though.

DIRECTOR ISLES:

Well, that's one possibility. Then the other possibility is that •• is the question of does the County want to see more houses on the barrier beach in terms of future potential losses in terms other storm damage. It's an additional property that's then the cause of injury property damage.

CHAIRMAN SCHNEIDERMAN:

We could if we wanted to use it for access put in some parking spaces and a boardwalk?

DIRECTOR ISLES:

I'd have to see the specific parcel and determine exactly what the resolution says in terms of its use and so forth to answer that question.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. I just wanted to expand a little bit on the discussion that was just occurring, the dialog between yourself and Mr. Caracciolo, and that has to do with the Nature Preserve, particularly for new members of our body, the Nature Preserve is our most restrictive category of parkland. And it's generally just for passive use. And any change of use really requires a very high level of scrutiny. So the Nature Preserve is the most restrictive. It's basically passive parkland. A few years ago, we worked on the Nature Preserve handbook because there were some user groups who wanted to expand the use of Nature Preserve properties, I believe the Horseman Association were one of the groups that were working on that, because many of our nature preserve people can basically walk and bird watch and not •• is that correct?

DIRECTOR ISLES:

Here again, I think it's generally correct in terms of passive uses. It's resource protection oriented, protecting groundwater and so forth. In terms of the activities, within your resolution if you're putting something into Nature Preserve, if you specify you can do •• the following passive uses are okay. My understanding is you can do that, including hiking, horseback riding and so forth. If you don't put it in there and somebody says, well, I want to do horseback

riding there and it doesn't expressly allow that by the resolution, then you can't do it. And certainly in terms of anything active recreation, you know, more than just hiking and horseback riding, it definitely cannot be done in Nature Preserve.

LEG. VILORIA • FISHER:

Right. So we have all of those different levels of parks so that we can have a commensurate level of scrutiny if we have to look back at it.

DIRECTOR ISLES:

Right.

LEG. VILORIA • FISHER:

Thank you, Mr. Isles.

CHAIRMAN SCHNEIDERMAN:

Any other questions for Director Isles? Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. Would you like to address the committee? If you will identify yourself.

MS. _SOSIC_:

Good morning. My name is Christine _Sosic_. I'm president of the Ridge Civic Association. And I'm just here today to speak in favor of Resolution 1458•2004, which would add two members to the ATV Task Force; namely, a member from the Nassau•Suffolk Horseman's Association and the Long Island Greenbelt Trails Coalition. The committee as its structured now can't possibly recommend •• make recommendations or decisions without representation from those two groups. Those are the two largest user groups, equestrians and the hikers. And they are two largest user groups that are most impacted by the uses of ATVs. So I think it would be a great addition to that committee. And I think this group should definitely recommend those two additions.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. CARACCILO:

Thank you, Christine.

CHAIRMAN SCHNEIDERMAN:

Just for the future, there are speaker cards that you can fill out in the beginning. You may have gotten here a little bit late.

MS. _SOSIC_:

I'm sorry.

CHAIRMAN SCHNEIDERMAN:

Not a problem. Okay. We'll move on.

LEG. CARACCILO:

I just have one question for Commissioner Foley.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracciolo, you have the floor. Commissioner Foley.

LEG. CARACCILO:

Commissioner, can you give us an update as to the status of the ATV Task Force, has it been organized and has it had its first meeting yet?

COMMISSIONER FOLEY:

To my knowledge, it has no status. I have not been informed that members appointed or sworn in, and I'm waiting those instructions.

LEG. CARACCILO:

Okay. Because the resolution that created the task force, I believe designated you as the Chairperson.

COMMISSIONER FOLEY:

Yes, it did.

LEG. CARACCILO:

Okay. And whose responsibility is it then to organize the committee and begin to do its business.

COMMISSIONER FOLEY:

I think the resolution stated that as Chair I would call the first meeting within 30 days of being informed the members have been sworn in. So when I get such information, I'll call the meeting.

LEG. CARACCILO:

My second question deals with 1524, the resolution that Ms. _Sosic_ just spoke to •• I'm sorry, not 1524 •• the resolution that would amend the 1458, the composition or add two additional representatives to the task force. One would be from the Nassau•Suffolk Horseman's Association and the other would be from Long Island Greenbelt Conference. Do you have any •
• any comments with respect to the addition of two representative groups?

COMMISSIONER FOLEY:

I certainly have no objection to them. I think •• I don't believe every body has to be part of the task force. It's my intention as we progress through those meetings and hearings we will include interested parties whether they're on the task force or not and make whatever comments and advise they have part of the record. But I certainly don't object to these people being part of the task force.

LEG. CARACCILO:

It came to my attention December of last year that unbeknownst to myself and other Legislators, I think, they are actually some in County Government who are actually working on a potential list of ATV park sites. This was long before the resolution was approved. What knowledge do you have of that? And I'd like Mr. Isles to come up and answer the same question.

COMMISSIONER FOLEY:

I have no knowledge of such work. If someone's preparing a list or working on one, I don't know about it.

LEG. CARACCILOLO:

Okay. Mr. Isles.

DIRECTOR ISLES:

The only thing I can add to this is I had received occasional phone calls with questions about •• I don't know if it was from an ATV group with just some general questions about County properties and requesting a map or something of that nature. I don't know of anyone either within the County or outside of the County actually compiling a list, although maybe that's what they were doing. But I had received occasional sporadic inquiries of, you know, does the County own this, is it parkland, is it just general municipal purposes. So I would say that was maybe two or three parcels over the course of the past year where somebody called and asked about it and I got the sense in the conversation that it was some how potentially associated with the ATV use eventually. Nothing formal, though.

LEG. CARACCILOLO:

Right. What hamlets are those properties located in?

DIRECTOR ISLES:

I don't recall exactly. I recall •• there's one I recall specifically in terms of the Brookhaven Town location. The others I don't recall specifically. I think they were smaller sites and so forth. Nothing formalized.

LEG. CARACCILOLO:

Was there more than one of these potential sites located in the Town of Brookhaven?

DIRECTOR ISLES:

Well, as I said, there were some inquiries made on different sites.

LEG. CARACCILOLO:

Do you remember where those sites were?

DIRECTOR ISLES:

No. I remember one not. I don't remember all the details on any of the others. And here again, It really didn't go anywhere in terms of anything formal. Obviously, I then of heard of this commission being created, the task force, presuming then that this would be addressed within that process.

LEG. CARACCILOLO:

Was the site in Brookhaven, located in the Hamlet of Yaphank?

DIRECTOR ISLES:

Yes.

LEG. CARACCILOLO:

Is that near the former site that was once considered for a golf course?

DIRECTOR ISLES:

Yes.

LEG. CARACCILOLO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Commissioner Foley, before you sit down. On the •• relating to the same bill, when I look at the composition •• more of the charter of the ATV Task Force, it appears to be primarily focused on site selection, looking at potential sites for an ATV park with the presumption that •• that by establishing a legal riding place, will lead to decreases in use in the parks. As we all know, there's been considerable use of ATVs in the parks tearing up trails and also creating hazards for •• for hikers or equestrian users. Could you comment •• my first question, do you know of •• is there research that shows that creating a legal place to ride will decrease the illegal uses?

COMMISSIONER FOLEY:

I'm not aware of any, no. It's my personal belief that there may be some change, but there' won't be an appreciable decrease in illegal activity because you make a place that's appropriate.

CHAIRMAN SCHNEIDERMAN:

Might not it be a better path to set up a •• kind of a trails advisory committee that was entirely focused on the issue of getting the ATVs out of our parklands, whether it's through more code enforcement or other mechanisms that will get them out? I'm not saying that we shouldn't have an ATV park. I know there's a lot of users in my district as well as throughout the County who would love to have a safe and legal place to ride, but I'm not convinced it's going to lead to a significant reduction of illegal use. And trying to make one committee do both of these things seems to me like you are going to conflict the role of that committee. The people who you might need to pick a best site for, you know, assessability or, you know, many different purposes may be set of people than you would need to improve our trails in our County. So my suggestion would be to set up a separate committee that was trails advisory type of committee that would look specifically at getting the ATVs out of our parks and other improvements to our trail system. Can you comment on that?

COMMISSIONER FOLEY:

I wouldn't want to question the wisdom of the Legislature in setting up this task force. If the problem you are trying to solve with the task force is illegal ATV activity, then maybe that's what you should be looking at. I don't know. But I'm taking this at face value that there was some reason to try to identify a place or the feasibility of having a place to ride ATVs. And as Chairman of a group, that's the mandate I would try to satisfy. But if you really want to deal with illegal ATV activity, that's what you need to specify in the legislation I believe.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

I might •• I don't want to speak for the Commissioner, but I can cut through a lot of this. If you want to do the right thing by Suffolk County, our Parks Police is probably about one•third of the numbers that it was ten years ago, and our Parks Department has been given the task of policing and looking after care taking for probably about ten times the amount of property that we had five or ten years ago. So the solution is pretty simple; put more Park Police in there, and you're going to end up stifling or eliminating some of the abuse of our parkland. So that's a separate issue from what was happy with this ATV. This commission is actually •• I mean, it's charged with looking at both, whether it be the feasibility of putting an ATV park in there, not doing an ATV park or may be expanding the Police Department in the Parks Department to

the point where we can actually protect the properties, which by the way, calls for •• there's legislation that calls for just that. We're supposed to go and protect our parks. As a matter of fact, Legislator Caracciolo, as we purchase X number of acres, we're supposed to have a police officer that would cover that, and we've never abided by our own laws, so.

COMMISSIONER FOLEY:

Is there a question in there?

LEG. ALDEN:

There's no question. That's a statement.

CHAIRMAN SCHNEIDERMAN:

I'll ask a question. On the enforcement of the illegal use of ATV, there are increased fines and there's also impoundment of vehicles, does that money go to the Parks Department or is that money going into the General Fund?

COMMISSIONER FOLEY:

I believe it's General Fund.

CHAIRMAN SCHNEIDERMAN:

That might be something to look at, whether that money can be dedicated toward improvement to the parks or particularly to the trail system.

LEG. CARACCILO:

Mr. Chairman, that's an excellent point. And the legislation that I and others cosponsored last year to increase and strengthen our ATV forfeiture laws, the fine for the third offense is now \$5000 and forfeiture of the vehicles, which oftentimes cost \$5000 in and of itself. We have had some reasonable good success in my district where we have a lots of County open space and parkland with the cooperation between Park Police and County Police. However, Legislator Alden is absolutely right. I think what the committee should consider is a piece of legislation that would mandate •• mandate a hiring of those personnel in the Park's Police Force and secondly, dedicate the revenue from the fines from illegal ATV use to help fund the additional personnel. Would you care to comment on that, commissioner?

COMMISSIONER FOLEY:

There's not an easy answer to more police, particularly Park Police. The pay scale is an issue, the difficulty of getting people in and through the academy and then keeping them, retaining them. It needs research, it needs some intelligence assessment of what will help us keep police once we hire them. We've had trouble with that. We just put one through the academy •• we put four through the academy, three are still with us. I don't know how long they will be with us. They are good intelligence young people that are attractive to other departments where the pay is higher.

LEG. CARACCIOLO:

My question was specifically to the mandate of hiring those personnel and setting up a dedicated funding source.

COMMISSIONER FOLEY:

And I'm saying the mandate is difficult without looking at all these other factors. The mandate in itself may never be met if we can't deal with these other issues as well.

LEG. CARACCIOLO:

If the mandate is not met, that means that the Executive is not doing his job. And I would hope and trust that he was going to uphold the laws that are passed by this Legislator.

COMMISSIONER FOLEY:

It's not is that simple. There are complications that need to be dealt with. They will have to come before the Legislature in being 100% successful in meeting such a mandate. And I'm just trying to relay that it's not as simple approach to finding more police and keeping them.

LEG. CARACCIOLO:

Retention is a problem, I'll grant you that, and that's because there's a lot of competition. And oftentimes perhaps someone who was attracted to the Park Police force is inclined to pursue that path as an entry level law enforcement position, then when a better paying position comes up, understandably, you know, if they qualify, transfer to the other agency. But the issue I think we have to really not dance around, I'm not saying you're dancing around it, but everybody is kind of dancing around it a little bit, and that is enforcing our laws.

You know, let's hire the personnel to do the job that the public wants them to do. I mean, the public is paying taxes, and they want to see something for their taxes. We had in my district a constituent who got into an argument with an ATV operator, shortly thereafter, she died of a

heart attack. Some people believe it was instigated by the argument as a result of the ATV illegal use. So this is something I'm very passionate about because a lot of the problem is in my area, particularly in Northeastern Brookhaven, and secondly, because we're dancing around the issue, and we really need to put the resources in place to make a difference in people's quality of life and safety. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

Is this the question the Park's Commission portion of the meeting?

CHAIRMAN SCHNEIDERMAN:

I guess so.

LEG. CARPENTER:

I have two things. Trap and skeet, where are we.

COMMISSIONER FOLEY:

Trap and skeet, we have engaged the consultant who will tell us what we need to install to mitigate noise, and he will give us kind of a menu of options; if you want to get to a specific decibel level, here's what you have to do, and there will be a variety of levels.

LEG. CARPENTER:

So he was engaged when?

COMMISSIONER FOLEY:

Two weeks ago.

LEG. CARPENTER:

When is he coming back with the recommendations or the option?

COMMISSIONER FOLEY:

I have a meeting with him Monday to update their status. I'm not sure what the outcome of the meeting will be.

LEG. CARPENTER:

I have been contacted a number of times, and I know we have had this conversation before, but the whole community that is very, very anxious for the trap skeet to reopen, you know, wants to demonstrate their support, they want to come down here. And you know, I certainly remember the meetings that we have had where there's literally a hundred or so people talking about how important it is to reopen it. But I've tried to comfort them and let them know you are moving forward with the process. So if we can look at •• and that's why each and every meeting I'll be asking you for an update. So if you can bear with me, I think we'll all be better off in the long run so that we're not having a circus here.

The other thing I wanted to ask about, I'm hopeful that it will withstand any vetoes that might be coming forward, but we did put \$500,000 into the Capital Program for campground improvements, and you know, I was really delighted that everyone was very, very supportive of that initiative and want to know if you can start working on a plan and come back to us at the next committee meeting in August and let us know how that money would be expended next year for the campgrounds.

COMMISSIONER FOLEY:

Probably. We have kind of an ongoing campground improvement program.

LEG. CARPENTER:

I know that. And it's showing, everything is really looking great.

COMMISSIONER FOLEY:

Just finished up some stuff at Indian Island, and people seem to be very happy with it. There are some controversial things that are in the program that is going to take money to get to. But if you want to know exactly where that \$500,000 if it's approved, we can probably do something as long as you don't hold us in too tight.

LEG. CARPENTER:

No. No. Just sort of a general, you know, wish list of where we might see some things happening, because it would be nice to be able to share it with the camping community this summer so they know what they could look forward to next year.

COMMISSIONER FOLEY:

We will do our best.

LEG. CARPENTER:

Great. Thank you.

CHAIRMAN SCHNEIDERMAN:

Are there other questions or comments for the Commissioner? Thank you, Commissioner.

COMMISSIONER FOLEY:

Thanks.

CHAIRMAN SCHNEIDERMAN:

All right. Let's move on to our resolutions.

INTRODUCTORY RESOLUTIONS

1573•04. Authorizing Suffolk County Department of Parks, Recreation and Conservation to enter into a stewardship agreement with the Town of Southold for the Laurel Lake Preservation area. (CARACCIOL0)

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Caracciolo, seconded by Legislator Cooper.

LEG. ALDEN:

Just an explanation quick.

CHAIRMAN SCHNEIDERMAN:

Okay. Discussion. Counsel.

MS. KNAPP:

Apparently the Laurel Lake area has holdings by many levels of government, including the state, the town and the County. The Town of Southold offered to coordinate the efforts on all of the different levels of government owned property around Laurel Lake. And they applied for a New York State grant, which they were hoping to receive and did receive, but even in the

absence indicated a willingness to go forward with maintaining the Laurel Lake properties. There may be some backup filed with it. Their intention is expressed in the resolution. They're going to put in some trails, parking, and perhaps a bathroom facility.

LEG. ALDEN:

At what cost to us?

MS. KNAPP:

No, there is no cost to us. They'll use the state grant money and town funds. I would assume though that if they •• I'm assuming it, because legally they can't build on County property without obviously our permission. But this simple enters into the stewardship agreement.

LEG. ALDEN:

Okay. Good.

CHAIRMAN SCHNEIDERMAN:

All in favor? Any Opposed? Motion approved. **APPROVED. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1575•04. To modify grant of easement to the Suffolk County Water Authority. (SCHNEIDERMAN).

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Carpenter, seconded by Legislator Cooper. All those in favor? Any opposed? Motion **APPROVED. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1596•04. Appropriating funds in connection with the restoration of the Long Island Maritime Museum. (COUNTY EXEC).

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Viloría•Fisher, seconded by Legislator Cooper.

LEG. CARPENTER:

On the motion, I would just ask exactly what those proposed improvements are.

COMMISSIONER FOLEY:

There's a small building on the property that was once a home of a care take or something. These funds renovate that building, mostly take care of exterior stabilization repairs.

LEG. CARPENTER:

Do you know where that building is exactly?

COMMISSIONER FOLEY:

Across the road past the gazebo, it's kind of sitting out there. You can see it from the gazebo, it's few steps from there. They take the kids on tour in there and talk about the history of the property.

LEG. CARPENTER:

Is that where DDI is doing some projects and plantings, is it near that greenhouse?

COMMISSIONER FOLEY:

It's fairly removed from the greenhouse. It's not back in the greenhouse area.

LEG. CARPENTER:

Okay. Thank you.

LEG. CARACCILO:

What is the cost, Jim.

LEG. VILORIA • FISHER:

\$60,000.

CHAIRMAN SCHNEIDERMAN:

We have a motion and a second. All in favor? Opposed? **Approved. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1600•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with improvements to historic sites and buildings at the Third House, Montauk. (COUNTY EXEC)

LEG. CARACCILO:

Motion.

CHAIRMAN SCHNEIDERMAN:

I wanted to make the motion, but I'll second it.

LEG. CARPENTER:

On the motion. Did we not put money in the Third House in the Omnibus Resolution?

CHAIRMAN SCHNEIDERMAN:

Yes, we did.

LEG. CARPENTER:

There have been a number of them so we were tabling them subject to call.

CHAIRMAN SCHNEIDERMAN:

The repairs are fairly extensive on this building. There is money that was proposed in the past for this, plus there is this appropriation, which I'd like to say go through, then there's money in the Capital Budget for interior improvements once we get exterior done. There's significant water damage to the exterior. The money that currently is in place including this appropriation would just do the exterior work.

LEG. CARPENTER:

Okay. Thank you. But I'd like to hear from Budget Review. Again, my question was would this be in addition to the amount that was put into not only for 2005, but we put money in for 2004, how much did we put in for 2004?

MR. SPERO:

500,000 for construction. This would appropriate an additional \$60,000 for planning. This is the •• the two resolutions could be •• could both be approved, because this would do the

planning funds.

LEG. CARPENTER:

Okay. So this is an additional 60,000 to the \$500,000 that we did.

CHAIRMAN SCHNEIDERMAN:

Thank you. We had a motion and a second, all in favor? Opposed? Motion **approved**.

(VOTE:7•0•0•1) (Not Present; Legis. O'Leary)

1636•04. Authorizing an application to acquire certain real property owned by the United States General Services Administration, located in the Town of Brookhaven. (COUNTY EXEC)

LEG. VILORIA•FISHER:

I'd like to make a motion. I have questions for Parks.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Viloria•Fisher, seconded by Legislator Cooper.

LEG. VILORIA•FISHER:

Mr. Foley, I notice that •• that well incur the cost of having to do a survey on the property and there a couple of other costs, what is this property like, is it property that would rank high? I mean, why would we want to incur the cost in other words?

COMMISSIONER FOLEY:

Well, it's property among other County owned property that we do want to preserve. There are some developments nearby. I don't know if this is immediately under threat of development, but it is good preservable property in an area where there's other preserved property. I haven't seen it myself.

LEG. VILORIA•FISHER:

Would Planning have more?

MS. FISCHER:

About a year and a half ago, I went out to the site with the former Commissioner Judy Gordon. And we walked the site and got access through the Federal Government. We felt the elevation

of the site was very spectacular. The views from that location were wonderful. You can actually ••

LEG. VILORIA • FISHER:

What are the main roads?

MS. FISCHER:

You come down on south on County Road 111 to one the roads coming off south manor •• Eastport Manor Road, and you follow that a little bit. Then you come into a subdivision that's been recently developed, and beyond that it the site. And then to the west of it is all open space owned by the County particularly. And the site itself has a driveway, you come through up to the top of the property and •• where the building is, where the radar facility used to be. And most the site is Pine Barrens, pine woodland, oak forest other than the area where the particular site is •• property •• building is.

LEG. VILORIA • FISHER:

Not core though.

MS. FISCHER:

It is not in the core, it is in the compatible growth area. It is in the Central Suffolk SGPA, and it is next to other holdings nicely set in an area that has high groundwater, its elevation is high, the views from there are notable. You can see from the Sound and then south towards the bay in that area. And on a clear day, it was •• it was spectacular. So we thought from that position as well as from the environmental position, it was a good site which could possibly be a location for people to access a beautiful viewshed of the Pine Barrens.

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. CARPENTER:

If I could, I just have one additional question. I just want to reaffirm something. I has stepped

out of the room. But I've been told that if there is any clean up has to be done on this, we would not be responsible, that the Federal Government would take care of anything.

MS. FISCHER:

Yes. I've been in touch with the individual who is handling the agreement that we will sign. I've also been in touch with our County Attorney's Office, and they have gotten the wording that will be in the agreement.

LEG. CARPENTER:

We will have it in writing?

MS. FISCHER:

Yes.

LEG. CARPENTER:

Okay thank you.

CHAIRMAN SCHNEIDERMAN:

Is there a motion. Motion and a second, any further discussion? All in favor? Any Opposed? Motion **APPROVED. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

TABLED RESOLUTIONS

**1027•04. Establishing a turf policy for athletic fields in Suffolk County Parks.
(BISHOP)**

CHAIRMAN SCHNEIDERMAN:

I believe this was to be withdrawn, but I don't think formally it has.

LEG. CARPENTER:

Motion to table.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Carpenter to table, seconded by Legislator Cooper. All those in favor? Opposed? **TABLED. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1388•04. To Establish a Community and Youth Services Program at Sheep Pasture Road in Port Jefferson/Setauket, New York. (VILORIA•FISHER)

LEG. VILORIA•FISHER:

Motion to table pending CEQ review.

LEG. CARPENTER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Viloría•Fisher, seconded by Legislator Carpenter. All in favor? Opposed? **TABLED. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1458•04. Amending the ATV Task Force to add two additional members. (CARACCILO)

LEG. CARACCILO:

Mr. Chairman, I'm going to make a motion to table just one more cycle.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

All those in favor? Opposed? **Tabled. (VOTE:7•0•0•1) (Not Present; Legis. O'Leary)**

1524•04. Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (COUNTY EXEC)

LEG. ALDEN:

Motion to discharge.

CHAIRMAN SCHNEIDERMAN:

There's a motion to discharge without recommendation, seconded by Legislator Vilorio•Fisher.
All in favor of discharging without recommendation?

LEG. CARPENTER:

On the motion. What is the total amount of acreage?

CHAIRMAN SCHNEIDERMAN:

Director Isles.

DIRECTOR ISLES:

It's 129 acres, although we are suggesting or will be submitting •• the County Executive will be submitting a CN on Tuesday to reduce it by 8.2 acres.

LEG. CARPENTER:

So again we're adding to what the Department of Parks is responsible for, an additional hundred plus acres, which is something that I hope the County Executive keeps in mind as they are preparing their Operating Budget to make that we have all the resources that we need.

DIRECTOR ISLES:

Okay.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? That is **discharged without recommendation. (VOTE:7•0•0•1)**
(Not Present; Legis. O'Leary).

We are adjourned.

(* THE MEETING WAS ADJOURNED AT 12:30 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**